

IN THE MATTER OF

☐ Amended**Order on Petition for**☐ Standby☐ Successor**Guardian****Due to Incompetency**

(with hearing)

Date of Birth \_\_\_\_\_

Case No. \_\_\_\_\_

This matter is before the court on a Petition for Appointment of Standby/Successor Guardian Due to Incompetency.

**THE COURT HAS CONSIDERED:**

1. The report of the guardian ad litem;
2. The preferences, desires, and values of the individual with regard to personal needs or property management; AND
3. Other relevant evidence.

**THE COURT FINDS:****1. JURISDICTION, APPEARANCES AND EVALUATIONS**A. This court ☐ does ☐ does not have jurisdiction of the subject matter and of the person of the individual.B. This court ☐ is ☐ is not a proper venue.C. Notice ☐ was ☐ was not properly served.

D. The individual subject to guardianship is

☐ present.☐ not present because the guardian ad litem waived the individual's attendance.☐ Other: (Specify) \_\_\_\_\_E. The proposed ☐ standby ☐ successor guardian is☐ present as follows: (Name) \_\_\_\_\_☐ not present and the court permits attendance by telephone for good cause. (Specify) \_\_\_\_\_☐ not present and the court excuses the attendance of (Name) \_\_\_\_\_.

F. Additional evaluations are not necessary.

**2. SUITABILITY OF GUARDIAN**

Based upon the Statement of Acts by Proposed Guardian and Consent to Serve, the recommendation of guardian ad litem, and the court having considered all nominations and applicable preferences and criteria, including the opinions of the individual subject to guardianship and of the members of his or her family, and any potential conflicts of interest resulting from the proposed guardian's employment or other potential conflicts of interest, each of the following is competent and suitable to be appointed:

Type of Guardian		Name & Mailing Address	Phone
Standby Guardian of the	Person		
Standby Guardian of the	Estate		
Successor Guardian of the	Person		
Successor Guardian of the	Estate		

**THE COURT ORDERS:**

1. The petition is  
☐ dismissed.  
☐ granted.

☐ 2. The guardianship of the estate is terminated without the appointment of a successor guardian of the estate and the former guardian will be discharged after filing any required accounts and receipts.

3. The court appoints the following:

Type of Guardian		Name & Mailing Address	Phone
Standby Guardian of the	Person		
Standby Guardian of the	Estate		
Successor Guardian of the	Person		
Successor Guardian of the	Estate		

**4. LIMITATIONS AND POWERS**

- A. The powers of the ☐ standby ☐ successor guardian will be the same as previously authorized or modified for this individual subject to guardianship.
- B. Co-Guardians must agree with each other when making decisions on behalf of the individual subject to guardianship ☐ unless otherwise ordered by the court as follows: \_\_\_\_\_ ☐ **See attached**

**5. BOND**

The guardian of the estate

- ☐ will be issued letters of guardianship upon filing ☐ surety bond ☐ signature bond in the amount of \$\_\_\_\_\_.
- ☐ is not required to file a bond provided the guardian deposits the individual's funds of \$100,000 or less in an insured account in the name of the guardian and the individual, and payable only upon further order of the court. Proof of deposit to be filed with the court within \_\_\_\_\_ days.
- ☐ will be issued letters of guardianship without filing a bond.
- ☐ Other: \_\_\_\_\_ ☐ **See attached**

**6. CHANGE OF ADDRESS**

The guardian shall immediately notify the court in writing of any change in the address of the individual or of the guardian.

☐ **7. ALTERNATIVE TO GUARDIANSHIP OF ESTATE**

The guardian of the estate is authorized to transfer the individual's funds of \$50,000 or less under one of the alternatives for small estates under §54.12(1) as follows: \_\_\_\_\_.

The guardianship of the estate will be terminated upon the filing of a final account and receipt confirming the transfer as ordered.

**8. FEES AND COSTS OF PROCEEDING**

- ☐ A. Guardian is not appointed. The petitioner shall pay the compensation of the guardian ad litem and the individual's legal counsel.
- ☐ B. Guardian is appointed:
- (1) Reasonable compensation of the guardian ad litem and individual's counsel shall be paid from the individual's income or assets, if sufficient. If the individual's income or assets are insufficient, the guardian ad litem shall be paid by the county of venue and the individual's counsel shall be paid at public expense or by the county of venue.
- (2) Petitioner's reasonable attorney fees and costs shall be paid
- ☐ by the petitioner.
- ☐ from the individual's income or assets.
- ☐ C. Other: \_\_\_\_\_

**9. GUARDIAN'S COMPENSATION AND REIMBURSEMENT**

The guardian's compensation and reimbursement of expenses, if any, must be approved by the court before payment is made.

**THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.**

Name of Attorney/Petitioner	
Address	
Telephone Number	Bar Number

**BY THE COURT:**

\_\_\_\_\_  
☐ Circuit Court Judge ☐ Circuit Court Commissioner

\_\_\_\_\_  
 Name Printed or Typed

\_\_\_\_\_  
 Date